United Nations A/HRC/39/51

General Assembly

Distr.: General
20 July 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the right to development

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the right to development, Saad Alfarargi, pursuant to Council resolution 33/14. The report explores the connection between the right to development and equality, the consequences of inequalities within countries on the enjoyment of the right to development and provides recommendations on contributing to the promotion, protection and fulfilment of the right to development in the context of the implementation of the equality related goals and targets of the 2030 Agenda for Sustainable Development.

GE.18-12050(E)

1812050

Please recycle

Contents

		Page
I.	Introduction	3
II	Activities of the Special Rapporteur	3
	A. Regional consultations on the practical implementation of the right to development	3
	B. Other activities	3
III.	Inequality — scope and impact	4
	A. International human rights norms	4
	B. Income inequality	5
	C. Other forms of inequality	7
IV.	The right to development, and inequality	9
V.	Right to development and addressing inequalities in the Sustainable Development Goals	11
VI.	Conclusions and recommendations	18
	A. Identifying those left behind	18
	B. Participatory processes	19
	C. Accountability mechanisms	19

I. Introduction

1. The present report, submitted to the Human Rights Council pursuant to Council resolution 33/14, outlines the activities of the Special Rapporteur on the right to development. The thematic focus of the report is exploring the connection between the right to development and equality, and the consequences of inequalities within countries in the enjoyment of the right to development, and provides recommendations on contributing to the promotion, protection and fulfilment of the right to development in the context of the implementation of the equality-related goals and targets of the 2030 Agenda for Sustainable Development. For the purposes of the present report, the Special Rapporteur will focus on inequalities within countries.

II Activities of the Special Rapporteur

A. Regional consultations on the practical implementation of the right to development

2. In September 2017, the Human Rights Council adopted resolution 36/9, which requested the Special Rapporteur on the right to development to hold consultations with States and regional consultations on the implementation of the right to development. In the light of this mandate, the Special Rapporteur has begun convening a series of regional consultations, to be held throughout 2018–2019. The aim for these consultations is to identify good practices in designing, implementing, monitoring and assessing policies and programmes that contribute to the realization of the right to development in various regions. The consultations will gather together representatives of Member States from the respective region, as well as representatives of United Nations agencies, intergovernmental organizations, academia, civil society and the private sector. The first consultation, for the States from the African group, took place in Addis Ababa (27–29 March 2018). The second consultation, for the States from the Group of Western European and other States and from the Eastern European Group, took place on 11 and 12 June 2018 in Geneva. The Special Rapporteur is planning to hold subsequent consultations for the Latin American and Caribbean Group in October 2018 and for the Asian Group in December 2018. The expected outcome of the consultations is the development of a set of practical guidelines and recommendations drawn from empirical evidence, which will serve as a tool in designing, monitoring and assessing the structures, processes and outcomes of human rights-motivated development policies. They will also promote indicators and measurements that have proven successful in specific contexts.

B. Other activities

3. Resolution 33/14 also requires the Special Rapporteur to contribute to the work of the Working Group on the Right to Development, with a view to supporting the accomplishment of its overall mandate, taking into account, inter alia, the deliberations, recommendations and conclusions of the Working Group, while avoiding any duplication. In September 2017, the Special Rapporteur participated in informal consultations with the Chair-Rapporteur of the Working Group, representatives of the participating States and civil society organizations. In April 2018, the Special Rapporteur participated in the nineteenth session of the Working Group, held an interactive dialogue with its members and participated in a panel, making a statement devoted to the right to development and inequalities.

4. In December 2017, the Special Rapporteur delivered a statement at the South-South Human Rights Forum convened by China in Beijing. On 22 and 23 May 2018, he took part in an international expert conference, entitled "Vienna + 25: Building trust, making human rights a reality for all", where he participated in a session on promotion of equality in societies.

III. Inequality — scope and impact

5. The concepts of discrimination, equality and the equitable distribution of the benefits of development, are enshrined in the Declaration on the Right to Development: its preamble declares "equality of opportunity for development is a prerogative both of nations and of individuals who make up nations"; article 2 (3) reaffirms that States have the duty to formulate appropriate national development policies to promote the well-being of the entire population and of all individuals, and to ensure the fair distribution of the benefits resulting therefrom; article 5 refers to a duty of States to "take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as [...] racism and racial discrimination"; article 8 states that the fair distribution of income in the context of "economic and social reforms should be carried out with a view to eradicating all social injustices" and that States "shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income". The reality of today's world is one of growing inequalities, where the rich become richer, while the poor grow in number and are not only deprived of a fair share of the benefits of development, but are increasingly denied participation in decision-making at all levels.

A. International human rights norms

6. The right to equality and the principle of non-discrimination are recognized in all international human rights instruments and nearly all constitutions and basic laws at national level. It is provided for in article 2 of the Universal Declaration of Human Rights and in United Nations human rights instruments, such as articles 2 and 26 of the International Covenant on Civil and Political Rights, article 2 (2) of the International Covenant on Economic, Social and Cultural Rights, article 2 of the Convention on the Rights of the Child, article 7 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and article 5 of the Convention on the Rights of Persons with Disabilities. The Human Rights Committee has defined "discrimination" under the International Covenant on Civil and Political Rights as "any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms".[1] General comment No. 20 (2009) on non-discrimination in economic, social and cultural rights of the Committee on Economic, Social and Cultural Rights states that discrimination undermines the fulfilment of economic, social and cultural rights (para. 1). It further lists the prohibited grounds for discrimination (race and colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability, age, nationality, marital and family status, sexual orientation and gender identity, health status, place of residence, and economic and social situation) (paras. 15-35). In addition, two of the major United Nations human rights treaties were established explicitly to prohibit discrimination: the International Convention on the Elimination of All Forms of Racial Discrimination (discrimination on the ground of race, colour, descent, or national or ethnic origin) and the Convention on the Elimination of All Forms of Discrimination against Women (discrimination on the ground of sex).

7. The principle of non-discrimination and equal treatment is also contained in regional instruments, such as article 2 of the American Declaration of the Rights and Duties of Man, article 24 of the American Convention on Human Rights and articles 2 and 3 of the African Charter on Human and Peoples' Rights. Despite the fact that the principle of non-discrimination is contained in all human rights instruments, only a few instruments expressly provide a definition of non-discrimination: article 1 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, article 1 of the Convention on the Elimination of All Forms of Discrimination against Women, article 2 of

[1] General comment No. 18 (1989) on non-discrimination, para. 7.

the Convention on the Rights of Persons with Disabilities, article 1 (1) of the International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and article 1 (1) of the Convention against Discrimination in Education.

8. Human rights instruments prohibit discrimination on several grounds. Article 2 of the Universal Declaration of Human Rights prohibits discrimination on the following 10 grounds: race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The same prohibited grounds are included in article 2 of the International Covenant on Economic, Social and Cultural Rights and article 2 of the International Covenant on Civil and Political Rights. The grounds enumerated in these provisions are not exhaustive — some grounds not explicitly mentioned have also been considered prohibited grounds in jurisprudence.

9. The general principle of equality and non-discrimination is a fundamental element of international human rights law and, in certain circumstances, it can require a State to take affirmative action in order to diminish or eliminate conditions that cause or help to perpetuate discrimination. The Human Rights Committee has clearly stated this obligation in its general comment No. 18 (1989) on non-discrimination (para. 10). The Committee on Economic, Social and Cultural Rights frequently refers to the duty to take affirmative action in its concluding observations. In its general comment No. 23 (2016) on the right to just and favourable conditions of work, for example, the Committee suggests that States parties should introduce quotas or other temporary special measures to enable women and other members of groups that have experienced discrimination to reach high-level posts and provide incentives for the private sector to do so (para. 61); general comment No. 20 explicitly states that, "in order to eliminate substantive discrimination, States parties may be, and in some cases are, under an obligation to adopt special measures to attenuate or suppress conditions that perpetuate discrimination" (para. 9). These internationally recognized principles serve as basis of and are reflected in the 2030 Agenda, as described below.

B. Income inequality

10. When discussing inequality in the context of development, income inequality is often at the forefront of the discussions. It is well documented that income inequality is on the rise. According to some reports, 82 per cent of all wealth created in 2017 went to the top 1 per cent, while the bottom 50 per cent saw no increase at all.[2] The United States has the highest rate of income inequality among the high-income countries.[3] Despite its overall wealth, the countries of the European Union still face high levels of income poverty. According to a Eurostat report, in 2015, 119 million people (or 23.8 per cent of the population of the European Union) were at risk of poverty or social exclusion.[4] In other countries in the Organization for Economic Cooperation and Development (OECD), income inequality is at its highest level for the past half century. The average income of the richest 10 per cent of the population is about nine times that of the poorest 10 per cent across OECD. In OECD countries, traditionally income inequality was greatly reduced through redistribution (through taxes and unemployment and other benefits). However, the financial crisis and the recent years of slow economic recovery weakened the cushioning effect of taxes and benefits, accelerating the overall upwards trend in income inequality.[5] In emerging economies, levels of inequality are generally even higher than in OECD

[2] Oxfam, "Reward work, not wealth", p. 8. Available at https://d1tn3vj7xz9fdh.cloudfront.net/s3fs-public/file_attachments/bp-reward-work-not-wealth-220118-en.pdf.

[3] See World Income Inequality Database, www.wider.unu.edu/project/wiid-world-income-inequality-database.

[4] Eurostat, "Sustainable development in the European Union: Monitoring report on progress towards the SDGs in an European Union context" (2017), p. 29. Available at http://ec.europa.eu/eurostat/documents/3217494/8461633/KS-04-17-780-EN-N.pdf.

[5] OECD, "In it together: Why less inequality benefits all", p. 24. Available at www.oecd.org/els/soc/OECD2015-In-It-Together-Chapter1-Overview-Inequality.pdf.

countries.[6] This is exemplified in Brazil, Chile, Mexico and Turkey, countries that have managed to reduce inequality, even though the gap between the richest and the poor is still about five times bigger than the gap in the OECD countries.[7] According to the United Nations Development Programme (UNDP), by 2014, more than 75 per cent of the population of developing countries lived in societies with a more unequal income distribution than they had in the 1990s; averages of within-country income inequality showed that income inequality had risen by 9 per cent in developed countries and 11 per cent in developing countries.[8]

11. Why does income inequality matter? The International Monetary Fund has argued that "widening income inequality is the defining challenge of our time", with the gap between rich and poor at its highest level for decades in the advanced developing economies.[9] According to OECD, the long-term increase in income inequality not only raises social and political concerns, but tends to reduce GDP growth; people with a lower income are prevented from realizing their human capital potential, which is bad for the entire economy.[10] Analysis by UNDP shows that high inequality undermines development by hindering economic progress, weakening democratic life and threatening social cohesion.[11] For example, income inequality appears to be a particularly significant determinant of inequality in health outcomes; 87 per cent of variation in the ratio of under-5 mortality rates between the richest and lowest quintiles could be attributable to variations in income/wealth inequality.[12]

12. Countless examples can be provided from research and practice, showing that income inequality leads to exacerbating poverty and affects not only enjoyment of economic and social rights, but also infringement of civil and political rights. The World Bank has argued[13] that when societies have high levels of inequality, such inequalities are reflected in the unequal capacity of groups to influence the policymaking process, making inequality more persistent, and that "inequality traps are a vicious cycle in which a high concentration of wealth translates into a disproportionate ability of those at the top of the distribution to influence the policy process in their favour and weakens the perception of fairness of those at the bottom of the distribution". It also argued that, in addition to normative concerns, a more equitable distribution of income is associated with positive outcomes, including stability and economic growth.[14] The World Bank further concluded that, in the long run, "inequality and growth are thus tightly linked, and the way in which the benefits from growth translate into socioeconomic achievements across different individuals and groups is determined by how actors interact and make policy decisions about redistribution".[15] This conclusion fits with ensuring effective participation in decision-making processes as outlined in article 8 (2) of the Declaration on the Right to Development, which calls on States to encourage popular participation in all spheres as an important factor in development and the full realization of all human rights.

[6] Ibid., p. 23.

[7] See www.oecd.org/social/inequality.htm.

[8] UNDP, *Humanity Divided: Confronting Inequality in Developing Countries* (2013), pp. 3 and 7. Available at www.undp.org/content/dam/undp/library/Poverty%20Reduction/Inclusive%20development/Humanity%20Divided/HumanityDivided_Full-Report.pdf.

[9] Era Dabla-Norris and others, "Causes and consequences of income inequality: a global perspective", International Monetary Fund staff discussion note SDN/15/13 (2015), p. 4.

[10] OECD, "In it together", overview.

[11] UNDP, *Humanity Divided*, p. 3.

[12] Ibid, table 4.11 and p. 145.

[13] World Bank Group, *World Development Report 2017: Governance and the Law*, pp. 10 and 32. Available from http://documents.worldbank.org/curated/en/774441485783404216/Main-report.

[14] Ibid., p. 45.

[15] Ibid., p. 167.

C. Other forms of inequality

1. Sex -based discrimination

13. The Secretary-General, in his report on progress towards the Sustainable Development Goals (E/2017/66), found that sustainable development cannot be achieved without the full inclusion and effective and equal participation of women. The report notes that: that women's participation in single or lower houses of national parliaments reached 23.4 per cent in 2017, just 10 percentage points higher than in 2000; women are still underrepresented in managerial positions — in the majority of the 67 countries with data from 2009 to 2015, fewer than a third of senior- and middle-management positions were held by women; the average amount of time spent on unpaid domestic and care work is more than threefold higher for women than men, according to survey data from 83 countries and areas; and just 52 per cent of women between 15 and 49 years of age who are married or in union make their own decisions about consensual sexual relations and use of contraceptives and health services (ibid., para. 9). The World Economic Forum reported that, in 2017, the gaps between women and men in economic participation and political empowerment remained wide: only 58 per cent of the economic participation gap had been closed and about 23 per cent of the political gap was unchanged since 2016; an average gap of 32 per cent remained to be closed in order to achieve universal gender parity.[16] The gender pay gap varies from 1.8 per cent of the male median wage (Costa Rica) to 36.7 per cent of the male median wage (Republic of Korea).[17] Yet only one country to date (Iceland) has passed legislation explicitly outlawing unequal pay between men and women.[18] Women's rights to participate in, contribute to and enjoy economic, social, cultural and political development are infringed upon by the inequalities they face in every area of their lives.

14. With regard to accountability mechanisms, women are underrepresented in virtually every international body responsible for adjudicating, monitoring and developing international law. As of June 2018, only 3 of the 15 judges on the International Court of Justice were women, 6 of 18 judges of the International Criminal Court were women and the International Tribunal for the Law of the Sea had 21 judges, only 3 of whom were women. Additionally, women comprise no more than 30 per cent of the aggregate of the members of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture. As of June 2018, 33 of the 79 special procedures mandate holders were women. The situation is not better in national court systems. For example, in 2014, in the Supreme Court of Spain, out of 70 judges, only 12 were women; there were no women presidents in the chambers of the Audiencia Nacional (National Court); and only 6 out of 52 presidents in the High Courts of Justice were women (A/HRC/29/40/Add.3, para. 86). In Senegal in 2010, women accounted for only 17.29 per cent of judicial personnel and there were no women among the five members of the Constitutional Council (A/HRC/32/44/Add.1, para. 62). In Kuwait, in 2016, there was not a single woman among the judiciary (A/HRC/35/29/Add.2, para. 66).

2. Discrimination against other population groups

15. Inequality disproportionally affects many other groups (e.g. discrimination on the basis of race, ethnicity, religion, age, disability etc.). Persons with disabilities, for example, experience higher rates of poverty, lower educational achievements, poorer health outcomes, less legal protection and less political and cultural participation. In the European Union for example, in 2015, 30.2 per cent of the population aged 16 or more who had a

---

[16] World Economic Forum, *The Global Gender Gap Report 2017* (2017), pp. 7–8. Available at www3.weforum.org/docs/WEF_GGGR_2017.pdf.

[17] OECD data (figures for 2016), https://data.oecd.org/earnwage/gender-wage-gap.htm.

[18] On 1 June 2017, the Icelandic Parliament adopted a law making it mandatory for all firms and institutions with 25 or more employees to obtain "Pay Equality Certification" (*Jafnlaunavottun*). The new provision entered into force on 1 January 2018. Professional certifiers will conduct reviews and deliver reports to the public Centre for Gender Equality (*Jafnréttisstofa*). See "Iceland: Equal pay certification legalised", ESPN Flash Report 2017/55.

disability were at risk of poverty or social exclusion, compared with 20.8 per cent of those with no disability.[19] Children with disabilities are less likely to attend school, which reduces their chances for future employment opportunities. Persons with disabilities are more likely to be unemployed and earn less even when they are employed; microfinance institutions are often unwilling to lend to persons with disabilities.[20]

16. A survey conducted in one European country in 2013[21] on health inequalities between the general population and the Roma minority showed that, with regard to mortality, the average age at death in surveyed households was some 52 years old for the Roma sample, and over 68 years for the general population. In relation to the survival time following diagnoses of an illness, 29 per cent of respondents in the Roma sample survived less than one year, versus 17 per cent in the general population. The survey also showed that Roma faced greater obstacles and difficulties in accessing health care and paying for medication: 11 per cent of Roma respondents reported that within the last year they had needed health care but not got it, in comparison with 5 per cent of the general population. A total of 72 per cent of Roma stated that they could not afford the cost of a medical examination (compared with 56 per cent of respondents in the general population), while 48 per cent also stated that they could not afford the cost of transport (compared with 31 per cent of the general population). In addition, 41 per cent did not have medical insurance (compared with 33 per cent of the general population). Roma were also more likely to delay buying medication or take less of the medication prescribed in order to save money. In relation to specific medical conditions, while 100 per cent of the general population who had been diagnosed with either tuberculosis or pneumonia reported receiving treatment, those figures fell to 89 per cent of Roma diagnosed with pneumonia and 95 per cent of those diagnosed with tuberculosis.

17. Many people are affected by multiple and intersecting forms of discrimination, i.e., are discriminated against on more than one ground.[22] Among others, people from particular ethnicities, castes and minorities, indigenous peoples, migrants, refugees, stateless and displaced persons, children, youth, women, older persons, slum dwellers and persons living with HIV/AIDS are often excluded, disempowered and discriminated against, in law, policy and practice, resulting in inequalities in both opportunities and outcomes.[23] Discrimination based on poverty is another, less widely recognized type of inequality. According to the International Monetary Fund, in many countries, low-income households and small-scale firms often face challenges in accessing health services and education, but also basic financial services due to lack of financial knowledge, complicated processes, onerous paperwork, and other market failures. Moreover, available financial products tend to be more limited and relatively costly.[24] The most recent ILO *Global Wage Report*[25] highlighted that discrimination and wage penalties suffered by women, migrant workers and workers in the informal economy (who are often from disadvantaged groups) contribute to income inequality.

18. According to Eurostat, in the European Union in 2015, 34.3 per cent of people with at most lower secondary educational attainment were at risk of poverty or social exclusion, while only 11.7 per cent of those with tertiary education were in the same situation. Similarly, in 2015, 68.2 per cent of the young children (aged 0–6) of parents who had at most pre-primary and lower secondary education were at risk of poverty or social exclusion. This was over six times higher than for children of parents with first- or second-stage

[19] Eurostat, "Sustainable development in the European Union", pp. 34–35.

[20] UNDP, *Humanity Divided*, box 4.1. entitled "Inequality and people with disabilities", p. 144.

[21] European Roma Rights Centre, "Hidden health crisis: Health inequalities and disaggregated data", pp. 15-19. Available at www.errc.org/uploads/upload_en/file/hidden-health-crisis-31-october-2013.pdf.

[22] See, for example, Human Rights Council resolution 32/17.

[23] United Nations System Chief Executives Board for Coordination, *Leaving no one behind: Equality and Non-Discrimination at the Heart of Sustainable Development: A Shared United Nations System Framework for Action* (United Nations, New York, 2017), p. 18.

[24] Dabla-Norris and others, "Causes and consequences of income inequality", pp. 16-18.

[25] See ILO, *Global wage report 2016/2017*. Available at www.ilo.org/global/research/global-reports/global-wage-report/2016/lang--en/index.htm.

tertiary education.[26] Poverty, leading to a lack of access to education, leading to poverty, forms a vicious circle, ultimately resulting in exclusion from development.

19. United Nation agencies[27] have pointed out that widespread inequalities are also evident with regard to the impact of natural disasters and environmental hazards on different populations, resulting in further disadvantaging of people who are already disproportionately dependent on the environment for their livelihoods. Climate instability and extreme weather events tend to have the greatest impact on those with the least resources, including women and girls. Imbalances in access to natural resources are often worsened by insecurity of land tenure, including the lack of recognition of collective tenure for rural communities — affecting indigenous peoples — and of equal inheritance rights and their practical implementation, especially among women.

IV. The right to development, and inequality

20. Why do inequalities matter for the right to development in particular? As demonstrated above, inequality threatens long-term social and economic development and impedes poverty reduction. More notably, inequality has an impact on the ability of individuals and communities to participate in, contribute to and enjoy economic, social, cultural and political development. Inequality is therefore a major obstacle to the realization of the right to development within and across countries.

21. In his fourth report (E/CN.4/2002/WG.18/2), the former Independent Expert on the right to development, discussed the fundamental human rights principles of equality and non-discrimination and their link to the right to development. He concluded that, when the fulfilment of economic, social and cultural rights requires the availability of and access to goods and services, then equality in rights implies equality in accessing these goods and services, i.e. equality of opportunity (ibid., para. 27). He also noted that "equality is essential to any programme aimed at implementing human rights, such as the right to development" and that development policies and measures have to be implemented in a way that either reduces income inequality or, at a minimum, does not allow any increase in inequality (ibid., para. 28). He further emphasized that "there cannot be any discrimination between the agents, the stakeholders and the beneficiaries (the right holders) on any ground" (ibid., para. 29).

22. In the same report, the Independent Expert discussed the relationship between equality and the principle of participation, according to which all beneficiaries and agents involved in the implementation of the right to development are entitled to participate in, contribute to and enjoy the results of the process of development. He concluded that: the principle of participation was concerned with access to decision-making and the exercise of power in the execution of projects that led up to the programme for development; citizens needed to be empowered and have ownership over the programme; and, while there was no unique model of participation, "for each project special provisions have to be drawn up and implemented in order to ensure such participation" (ibid., para. 30).

23. These conclusions resonate very closely with the recommendations put forward during the regional consultations on the practical implementation of the right to development organized by the Special Rapporteur, where participants focused on one overarching theme — namely the importance of establishing meaningful participation of all relevant stakeholders in the decision-making process, including communities, non-governmental and grass-roots organizations, women, youth, minorities, indigenous peoples, persons with disabilities, and other marginalized groups. Participation should be central in all development-related processes, at the local, national and international levels. The call to ensure genuine participation is consistent with the vision contained in the Declaration on the Right to Development, which acknowledges the right of every person and community to

[26] Eurostat, "Sustainable development in the European Union", p. 35.

[27] Technical Support Team, "TST issues brief: Promoting equality, including social equity", pp. 1–2. Available at https://sustainabledevelopment.un.org/content/documents/2406TST%20Issues%20Brief%20on%20Promoting%20Equality_FINAL.pdf.

participate in, contribute to and enjoy development in its economic, social, cultural and political dimensions. This must be the guiding force in the implementation of the post-2015 policy development framework.

24. So how can genuine, wide and meaningful participation be achieved? Overwhelmingly, the response of civil society to that question in consultations with the Special Rapporteur has been: through wider access to information regarding development policies, programmes and projects for all concerned stakeholders and constituencies. Access to information and participation will lead to understanding of the process, and widen support for much needed reforms. Participation will also help in designing, implementing, monitoring and evaluating the results of development programmes and projects in a meaningful way and increasing their effectiveness and efficiency. Last but not least, it would lead to greater accountability and contribute to tackling endemic issues, such as corruption and lack of good governance.

25. In 2015, OECD suggested that reducing the growing divide between rich and poor and restoring opportunities for all required focusing policy attention on four main areas: employment promotion and good-quality jobs; skills and education; tax-and-transfer systems for efficient redistribution; and, notably, women's participation in economic life.[28]

26. ILO[29] suggested as one of the measures to reduce inequalities that: "Sustainable enterprises engage in social dialogue and good industrial relations, such as collective bargaining and worker information, consultation and participation. These are effective instruments to create win-win situations, as they promote shared values, trust and cooperation, and socially responsible behaviour." Measures such as adopting or strengthening minimum wages, as one way of reducing wage inequality, can only be effective if implemented in full consultation with social partners and, where appropriate, "with their direct participation on an equal footing".[30] Principle 18 (b) of the Guiding Principles on Business and Human Rights also requests that, in order to gauge human rights risks, business enterprises should conduct meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation.

27. The World Bank has argued[31] that participation may also have value by increasing cooperation, through contribution to the funding of projects or through compliance with decisions made, and that increasing the direct representation of disadvantaged individuals in legislative assemblies can promote policymakers' commitment to reforms that improve equity. The Bank has also warned, however, that: participants in civic activities tended to be wealthier, more educated, of higher social status, male, and more politically connected than non-participants; the cost of participation was higher for the poor because they have less leisure time and need to work longer hours to generate income; and it is more difficult for the poor "to influence outcomes because they are less educated or may find it difficult to debate with and contradict individuals who traditionally hold influence and authority".[32] In the context of human rights-compliant development policies and programmes, the way the participation processes are designed is extremely important. Furthermore, the cost of participation should be duly budgeted, so that those who are being consulted do not bear the costs or end up excluded because are unable to afford the participation costs.

28. Access to information and to participatory mechanisms are closely related. The majority of the high-income countries make information about existing regulations publicly available and provide advance notice of regulatory changes. Information regarding State, regional or municipal budgets is available and there are mechanisms for feedback and options to challenge the choices of the executive. Such mechanisms to collect feedback from the public and to report on the results and impact assessments of regulatory policies

[28] OECD, "In it together", p. 22.
[29] ILO, *Global Wage Report 2016/17*, p. xxi.
[30] Ibid., p. 25.
[31] World Bank Group, *World Development Report 2017*, pp. 173 and 178.
[32] Ibid., p. 181.

are relatively uncommon in low- and middle-income countries.[33] While existing systems even in high-income countries need to be further evaluated in terms of accessibility, including for linguistic minorities and for persons with disabilities, providing information about budgets, regulatory changes and programmes in an accessible format and seeking the feedback of beneficiaries are of utmost importance for effective participation and ensuring that no one is left behind.

29. In its *World Development Report 2017*, the World Bank provides multiple examples of cases where increasing the direct representation of women and disadvantaged or minority individuals in legislative assemblies and other political bodies can help to bring about policies that are aligned with the needs of these groups, and how the political representation of disadvantaged groups seems to be effective in reducing poverty.[34] Other examples of effective participation provided are various forms of direct democracy and public deliberations that allow group-based discussion and weighing of alternative preferences, and this can assist in improving the legitimacy of decisions by clarifying the needs and demands of local constituencies.[35] It is argued that public deliberation is most successful at the local level and can complement decentralization reforms.[36]

30. Another crucial precondition to achieving progress towards equality and promoting the right to development is the existence of accessible and effective accountability mechanisms. Providing effective remedies for human rights violations, including discrimination, is a basic obligation of States under international human rights law, which not only recognizes the individual human rights of every human being, but places an obligation on States to ensure, secure or guarantee the effective enjoyment of human rights with its jurisdiction.[37] The Committee on Economic, Social and Cultural Rights has stated in its general comment No. 9 (1998) on the domestic application of the Covenant that, for the Covenant norms to be recognized in appropriate ways within the domestic legal order, appropriate means of redress, or remedies, must be available to any aggrieved individual or group, and appropriate means of ensuring governmental accountability must be put in place. States have recognized the importance of providing remedies for gender inequalities by electing the indicator of whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex as an indicator for achieving Sustainable Development Goal 5. More recently, principle 29 of the Guiding Principles on Business and Human Rights suggested that business enterprises also need to make it possible for grievances to be addressed early and remedied directly, by establishing or participating in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted.

V. Right to development and addressing inequalities in the Sustainable Development Goals

31. The 2030 Agenda recognizes "rising inequalities within and among countries", "enormous disparities of opportunity, wealth and power" and persistent "gender inequality" as "immense challenges" confronting the world today. Under the Agenda, a commitment is made to leave no one behind, to ensure targets are met for all nations and peoples and for all segments of society, and to reach the furthest behind first. Consistent with international human rights law, the 2030 Agenda contains a commitment to combating income and wealth inequalities and acknowledges that relative inequalities in income and wealth

[33] Ibid., p. 150, figure 5.6.

[34] Ibid., p. 180.

[35] Ibid., p. 239.

[36] Ibid., pp. 239–240.

[37] See, for example, art. 2 of the International Covenant on Civil and Political Rights, art. 2 of the International Convention on the Elimination of All Forms of Racial Discrimination, art. 2 of the Convention on the Elimination of All Forms of Discrimination against Women, art. 2 of the Convention on the Rights of the Child, art. 1 of the Arab Charter on Human Rights, art. 1 of the Inter-American Convention to Prevent and Punish Torture and art. 1 Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).

hamper the achievement of development. The commitment to combat inequalities and discrimination is reflected in two goals explicitly focused on this issue. Sustainable Development Goal 5 (Achieve gender equality and empower all women and girls) is the stand-alone goal dedicated to bridging the gap between men and women and addressing gender-based discrimination depriving women and girls of their rights and opportunities and thus of their ability to realize their full potential. Women's equal right to development could in itself be an amplifier of development. However, the realization of their right to development is beset by challenges rooted in the inequalities that pervade their lives. For women, the right to development requires consideration for their lack of voice and participation in decision-making within their families and societies.

32. Sustainable Development Goal 10 (Reducing inequality within and among countries) is the goal designed to address inequalities across the spectrum of development goals. In addition, all other Sustainable Development Goals call for more equitable development and universal access to the constituent elements of development for all people. A commitment to equality is reflected, for example, in target 16 (b), which highlights the need for "non-discriminatory laws and policies for sustainable development" as an essential element of the framework for effective development, or target 4.1 requesting States to ensure that "all girls and boys complete free, equitable and quality primary and secondary education". The 2030 Agenda also contains the commitment to disaggregate data across all goals in order to measure the extent to which its central pledge to leave no one behind has been met.

33. Target 10.3 under Sustainable Development Goal 10 specifically calls on States to ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard. Equality of opportunity typically means that all people are treated equally in the application of law or, for example, when applying for work or in relation to access to education and health care. This concept is not inconsistent with reducing inequalities of wealth or income but, as discussed above, income inequalities may lead to unequal opportunities and discrimination. Inequalities of outcome, however, can be measured on a number of issues: wealth, health, education or income. Policies aimed at reducing inequalities of outcome should have a redistributive focus.

34. To measure the implementation of the Sustainable Development Goals, States agreed on 169 targets and 232 indicators[38] and to a process of voluntary national reviews in the framework of the high-level political forum on sustainable development, convened under the auspices of the Economic and Social Council. States have agreed that, in 2019, the theme of the forum will be "Empowering people and ensuring inclusiveness and equality".

35. The voluntary common reporting guidelines for voluntary national reviews at the high-level political forum[39] suggest that voluntary national reviews should: be open, inclusive, participatory and transparent for all people; support reporting by all relevant stakeholders; be people-centred and gender-sensitive, and respect human rights; and have a particular focus on the poorest, most vulnerable and those furthest behind. They should ideally also include information regarding what mechanisms have been used to engage stakeholders from civil society, academia and the business sector, and how the national report to the high-level political forum has been discussed at the national level and who was engaged in the discussions. The reporting guidelines also suggest that the voluntary national reviews could assess how the principle of leaving no one behind has been mainstreamed in

[38] The global indicator framework for the Sustainable Development Goals, developed by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators, was agreed upon at the forty-eighth session of the Statistical Commission and adopted by the General Assembly in resolution 71/313 of 6 July 2017. The list of indicators is refined annually: it includes the global indicator framework as contained in the resolution and refinements agreed by the Statistical Commission at its forty-ninth session in March 2018 (see E/CN.3/2018/2, annex II). See https://unstats.un.org/sdgs/indicators/Global%20Indicator%20Framework%20after%20refinement_Eng.pdf.

[39] See https://sustainabledevelopment.un.org/content/documents/17346Updated_Voluntary_Guidelines.pdf.

the implementation of the Sustainable Development Goals and how vulnerable groups have been identified, as well as what policies and programmes are being implemented to address their needs and support their empowerment.

36. What has been achieved to address inequalities in the framework of implementation of the Sustainable Development Goals two and a half years after the conclusion of this major international policy agreement? To date, Member States have completed two cycles of voluntary national reviews in which 65 States have participated. In addition, following a call for submissions by the Special Rapporteur, several countries submitted to the mandate holder information on their efforts to reduce inequalities.

37. In 2016, the theme of the high-level political forum was ensuring that no one is left behind, and some countries chose to explicitly address the topic in their voluntary national reviews.[40] Since many of the goals and targets are directly related to the achievement of equality, other countries addressed similar issues in their analysis of the implementation of different goals.

38. With regard to reducing income inequalities, States reported the introduction and use of social protection policies and social security systems, in particular support mechanisms to guarantee the minimum social standards for its most vulnerable citizens, such as social payments to guarantee subsistence income, financial assistance to families with children or mandatory minimum wages for workers.

39. The Government of the Russian Federation reported[41] that equality was one of the basic principles of its legal system and was reflected in legislation regulating human rights in health, education, labour, judicial proceedings, social protection and culture. It further referred to articles 37 and 39 of its Constitution. Groups on which State policy focused were children, persons with disabilities and veterans. The Federal Law on State Social Assistance (Law No. 178-FZ of 17 July 1999) provided for social assistance for different categories of citizens in the form of social benefits, pension top-ups, subsidies and provision of vitally important goods. The government programme "Social support of citizens", established by decree No. 296 of 15 April 2014, provided for social benefits and an increase in social services for the population. Assistance was provided to citizens whose income was below a certain subsistence level defined by the Executive.

40. The Government of Nigeria[42] gave as an example of good practice the process of establishing a social protection policy in Ondo State, conducted in cooperation with the United Nations Children's Fund (UNICEF). From August to October 2016, upon a request from the authorities, UNICEF conducted mapping of social net investment programmes implemented over the years in Ondo State. In November 2016, a state social protection technical working group was established, which reviewed the mapping. Based on the existing programmes and global experience in drafting social investment legislation, the Ministry developed a draft Ondo State Social Net Investment Bill. The draft was reviewed by the technical working group. In December 2017, the Ondo State House of Assembly held a public hearing on the Bill and adopted it. In February 2018, the State Governor signed the Ondo State Social Protection Law 2018. The new law set up a State Social Protection Council to promote equal opportunity, reduce inequalities of outcome and eliminate discriminatory laws, policies and practices. Various stakeholders (farmers, small business owners, artisans of various types, people living with disabilities and the leprosy community) were involved in the development of the policy and, in particular, in the development of a microcredit scheme aimed at reducing inequality.

---

[40] Unless indicated otherwise, the information in this section is from Department of Economic and Social Affairs, Division for Sustainable Development, *Synthesis of Voluntary National Reviews 2016*, pp. 58–62 (available at https://sustainabledevelopment.un.org/content/documents/126002016_VNR_Synthesis_Report.pdf) and *Synthesis of Voluntary National Reviews 2017*, pp. 12, 13, 19, 27-32 (available at https://sustainabledevelopment.un.org/content/documents/17109Synthesis_Report_VNRs_2017.pdf). For complete voluntary national reviews, see https://sustainabledevelopment.un.org/vnrs/.

[41] Submission of 6 March 2018.

[42] Submission of 12 March 2018.

41. The Government of Croatia[43] provided detailed information on its social welfare legislation and services, such as the guaranteed minimum benefit introduced by law in 2014 and designed to prevent the occurrence of extreme poverty and prevent social exclusion. Further benefits were available for children with developmental disabilities and adults with disabilities. Croatia also provided information on its Strategy for Combating Poverty and Social Exclusion (2014-2020), addressing homelessness and introducing measures to implement the Convention on the Rights of the Child.

42. The Government of Italy[44] submitted that, during recent years, it had faced a severe economic crisis that had led to the unemployment rate increasing to 12.7 per cent in 2014, which in particular affected young persons. In order to address the challenge of achieving an employment-intensive recovery for its economy, Italy had introduced three main reforms: the so-called Fornero labour market reform, adopted in 2012; the Youth Employment Strategy, which also included the Youth Guarantee National Plan, launched in 2013; and the Jobs Act. In 2017, Italy enshrined for the first time in law a comprehensive national anti-poverty strategy, which included rationalizing social benefits and ensuring coordination between social services. A crucial element of the anti-poverty strategy was the minimum income for inclusion (REI), which provided beneficiaries with an economic benefit paid onto a personal electronic payment card (REI CARD) (up to a maximum of 240 euros per month) and participation in a project to help them find employment.

43. Another group of measures reported by States were initiatives aimed at eradicating discrimination against all groups, and efforts to address issues related to specific groups, such as children and youth, older persons, persons with disabilities, indigenous peoples, women and girls, refugees and internally displaced persons. Many countries listed constitutional and legislative provisions prohibiting discrimination on a number of grounds, including race, gender, sex, pregnancy, disability, age and religion. Some countries had national strategies aiming to ensure equal rights and opportunities, such as policies for persons with disabilities, on Roma inclusion and against racism and hate crimes. A number of countries also provided information on accountability mechanisms and legal avenues to complain against discrimination. However, analysis of the effectiveness of such mechanisms is not available. Such analysis should assess the visibility, accessibility, independence and efficiency of these mechanisms, to determine their usefulness in addressing discrimination.

44. Furthermore, States provided information on participatory mechanisms, either for designing policies to implement the Sustainable Development Goals or drafting voluntary national reviews. Engagement with different stakeholders was noted as an important success factor in the implementation of Sustainable Development Goals by countries such as Egypt, Samoa and Switzerland; and a necessary condition of ensuring ownership of the process by countries including China, Finland and the Philippines. Some countries, such as Madagascar, Sierra Leone and Uganda, reported consultation and meetings occurring in various outlying regions to ensure the widest possible participation. A number of countries (Colombia, Egypt, Estonia, Finland, Georgia, Germany, Madagascar, Mexico, Morocco and Turkey) reported setting up institutional frameworks for sustainable development. For example, in Mexico, the voluntary national review was prepared under the leadership of the Office of the President, which reached out to numerous actors to obtain information and views; government entities were engaged through a specialized technical committee; civil society was involved through working meetings and open dialogues; and the private sector's contributions were made through the Mexican Agency for Cooperation for Development.

45. Estonia has reported that the Estonian Sustainable Development Commission (formed in 1996) was an advisory body consisting of civil society umbrella organizations that covered different fields of sustainable development, including education, environmental protection, culture, children, health, local government, academia, private companies, and agriculture. The Commission met four or five times a year to hold thematic

[43] Submission of 22 February 2018.

[44] Submission of 27 March 2018.

discussions on different sustainable development topics, discuss drafts of sustainable development-related strategic action plans before adoption by the Government and publish focus reports with policy recommendations.

46. Finland has reported that two major multi-stakeholder committees had an integral role in the national system to coordinate, implement and follow up on the Sustainable Development Goals. Membership of the committees was broad, thereby ensuring that the voices of civil society organizations, private sector actors, interest groups and other stakeholders were heard. To improve the policy coherence for sustainable development, collaboration between the two committees has been intensified since the adoption of the 2030 Agenda, for example, through joint meetings, workshops and discussion papers. Finland reported that the programme "The Finland we want by 2050 — Society's commitment to sustainable development" had been launched by the Finnish National Commission on Sustainable Development in order to engage larger segments of the society in the work on sustainable development. "Society's commitment" was a multi-stakeholder operational tool and a partnership model that aimed at boosting ownership, concrete action, innovative solutions and impact in the society. By April 2016, over 240 actors from companies to ministries, schools, municipalities and civil society organizations, as well as individuals, had already joined subscribed to "Society's commitment" by launching their own operational commitments.

47. Madagascar created a committee for guidance and follow-up (composed of representatives of the Prime Minister's Office, the National Assembly, 13 ministries, the United Nations system and the African Union) and a technical committee for implementation of the Sustainable Development Goals, composed of representatives of the United Nations System, technical departments, civil society, the private sector, universities and research centres.

48. In Norway, civil society stakeholders were actively involved and consulted during the post-2015 process, and expressed strong interest in being involved in the implementation of and follow-up to the 2030 Agenda. The Philippines reported on the "SDG Youth National Convergence", which consisted of youth leaders from different sectors committing to working towards the Sustainable Development Goals. During the Rio+20 process, Turkey had set up a "24 best practice examples" programme, for which good practices for implementation of the Sustainable Development Goals were selected based on applications from public institutions, the private sector, civil society and academia. Georgia reported in 2016 that business, civil society and academia were already involved in efforts to advance the Sustainable Development Goals, and that the scope and depth of their engagement would grow as the adjusted priorities and indicators were presented for general review and consultation. Those non-governmental bodies were expected to play a crucial role in offering feedback, policy advice and participating at the central and local levels.

49. In relation to including specific groups in the sustainable development processes, Costa Rica reported that, although progress had been made in recent years, consultations with persons from the lesbian, gay, bisexual, transgender/transsexual, intersex and queer/questioning communities had identified major obstacles to the adequate and real implementation of relevant policies and regulations by the institutional bodies. Specialized units with a human rights approach had been established with a view to providing dignified health care for lesbian, gay, bisexual, transgender/transsexual, intersex and queer/questioning communities. Nepal reported that lesbian, gay, bisexual, transgender/transsexual, intersex and queer/questioning persons represented one of the 23 groups identified for the Sustainable Development Goal discussion forum for civil society.

50. In their reports, countries have considered indigenous peoples both as a group in need of concerted support and as actors engaged in enhanced implementation of the Sustainable Development Goals. In Nepal, the amended Civil Service Act reserved a percentage of public service positions for women and marginalized groups, including dalits, indigenous peoples and persons with disabilities. Malaysia noted that one of its future aims was leveraging indigenous and local communities in the management of natural resources, as well as empowering them to give or withhold consent to proposed projects that could affect their access to land. Chile reported on the specific challenges that its indigenous population had faced, including high multidimensional poverty rates, and that the results of

a consultation process for indigenous peoples had been considered in the preparation of draft legislation for establishing a ministry of indigenous peoples and a council of indigenous people. Norway reported that the indigenous peoples' assembly, the Sámeddigi (Sami Parliament), was involved in the follow-up and review of implementation of the 2030 Agenda, through dialogue with line ministries and formal consultation mechanisms.

51. Countries also reported on institutional mechanisms and policies that had been put in place to enhance gender equality and women and girls' rights. The Government of Bosnia and Herzegovina reported on its national Law on Gender Equality, which created a gender equality agency operating within the Ministry for Human Rights and Refugees, to monitor and examine violations of that law perpetrated by an act or action or failure to act of a body or legal entity, and take action to remedy them in accordance with that law. A software platform was set up to regulate data collection and the processing and exchange of information relating to the monitoring of the human rights situation, and especially the cases of discrimination, under the jurisdiction of the Ministry for Human Rights and Refugees. An integral part of that database was the data on discrimination cases, gathered in accordance with the *Rulebook on Gathering the Data on Cases of Discrimination in Bosnia and Herzegovina*.[45] At the institutional level, numerous States (Afghanistan, Guatemala, Kenya, Malaysia, Nepal, Nigeria, Panama, Thailand, Uruguay and Zimbabwe) noted the work of their ministries of women's affairs or gender equality commissions. Chile mentioned the establishment of the Ministry of Women and Gender Equality as one of the main advances with regard to the promotion of women's rights. Ethiopia reported on the establishment of an office with ministerial rank for guiding and implementing women's affairs. A large number of countries reported on other measures, including national gender equality strategies or gender action plans. For example, Belarus adopted its fifth national plan on promoting gender equality for 2017–2020 and planned activities that were informed by national gender priorities, the Convention on the Elimination of All Forms of Discrimination against Women and Sustainable Development Goal 5.

52. Many countries emphasized the importance of gender mainstreaming and measures taken to integrate a gender perspective into each policy area and each phase of the policymaking process, including gender-responsive budgeting. Indonesia reported on the enactment of special regulations on gender mainstreaming and gender-responsive planning and budgeting, while Maldives had appointed gender focal points in line ministries and agencies to promote gender mainstreaming. Guatemala drew attention to its special spending mechanism, which aimed to contribute to the visibility of budgetary resources to promote gender equity and, in particular, to identify allocations that benefited women and girls.

53. More than half of the countries reporting under the voluntary national review reported on measures taken to address the low participation of women in decision-making. Countries reported on adopting quota systems or quota laws (Chile, Indonesia, Jordan, Panama, Slovenia, Uruguay and Zimbabwe) and capacity-building programmes for women running for elective office (Belize and Kenya), in order to increase participation of women in decision-making or leadership positions. The Republic of Korea initiated the Framework Act on Gender Equality (2015), which, among other measures, introduced quotas for administrative positions in public organizations and promoted the participation of women in decision-making processes and in public, political and economic activities. The Republic of Korea focused on cross-cutting programmes linking gender equality with education and good health, such as "The better life for girls" initiative that focused on girls' education and health in developing countries and built on the fact that education and health were inherently connected in order to promote girls' empowerment.

54. France reported that its High Council for Gender Equality reported directly to the Prime Minister and had, since 2013, been holding discussions with stakeholders to draw up and improve public policy guidelines on rolling back stereotypes, gender equality, reproductive rights and gender-based violence.

[45] Submission of 5 March 2018.

55. The Government of Guatemala reported[46] that it had carried out a process of socialization, consultation, validation and technical analysis in order to adapt the 2030 Agenda to the national context and the National Development Plan. That process resulted in a strategy to integrate the Sustainable Development Goals with the Plan and the National Development Policy "K'atun Nuestra Guatemala 2032". The participation of the population in the areas of development and public management was ensured through the system of development councils, which allowed the needs of citizens at the community and national levels to be raised with the government authorities. Those needs were incorporated into national planning and converted into action through municipal plans.

56. The above mechanisms are examples of promoting the participation of different groups, including those in situations of vulnerability, in the implementation of the Sustainable Development Goals and, more generally, in decision-making processes. However, the information provided by States is limited by the format of the voluntary national reviews and the time constraints of the process.

57. According to the global indicator framework,[47] the following indicators are to be used to measure inequality within countries: growth rates of household expenditure or income per capita among the bottom 40 per cent of the population and the total population (10.1.1); proportion of people living below 50 per cent of median income, by sex, age and persons with disabilities (10.2.1); proportion of population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law (10.3.1); and labour share of GDP, comprising wages and social protection transfers (10.4.1). The indicators, however, are largely insufficient to track progress in eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.

58. The global indicator framework contains a larger number of indicators to measure the progress towards achieving gender equality and empowering all women and girls. Countries must evaluate: whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex (5.1.1); proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age (5.2.1); proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence (5.2.2); proportion of women aged 20–24 years who were married or in a union before age 15 and before age 18 (5.3.1); proportion of girls and women aged 15–49 years who have undergone female genital mutilation/cutting, by age (5.3.2); proportion of time spent on unpaid domestic and care work, by sex, age and location (5.4.1); proportion of seats held by women in (a) national parliaments and (b) local governments (5.5.1); proportion of women in managerial positions (5.5.2); proportion of women aged 15–49 years who make their own informed decisions regarding sexual relations, contraceptive use and reproductive health care (5.6.1); Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex (5.a.1 (a)); proportion of individuals who own a mobile telephone, by sex (5.b.1).

59. While the above indicators look at a number of areas, notably they do not cover issues such as availability of mechanisms for access to information or conditions for participation of women or other groups in a situation of vulnerability in decision-making related to issues that concern them. Furthermore, they do not measure, for example, the number and success rates of anti-discrimination complaints. Such additional qualitative assessment would go a long way towards promoting both equality and participation. To move beyond the slogan of leaving no one behind, additional efforts should be invested in tracking multiple and intersecting forms of discrimination[48] and the scaling up measures undertaken to address these.

[46] Submission of 23 April 2018.
[47] See footnote 38 above.
[48] See para. 17 above.

VI. Conclusions and recommendations

60. The widening disparities of today's world require the adoption of sound national and international policies to empower the bottom percentile of income earners and promote inclusion of all regardless of sex, race, ethnicity or any other prohibited grounds of discrimination.

61. What are the steps necessary to effectively reduce inequalities within countries? While this is a complex question that requires context-specific answers, it is nevertheless possible to identify some key areas of action.

A. Identifying those left behind

62. One issue that needs to be addressed urgently is the limited availability of adequate data that is disaggregated by, inter alia, gender, age, disability, income, race and ethnicity. Such disaggregated data is needed to accurately assess a situation, to make inequalities visible, and to identify those who have been left behind. Only based on such data can we develop evidence-based policies that specifically target those most in need. Disaggregated data is also important for the implementation, monitoring and evaluation of development policies and programmes, as well as for the overall tracking of progress in the implementation of the right to development on an equal basis for all segments of society.

63. The Special Rapporteur would like to underline that the collection of data to assess levels of inequality and discrimination has to be done in accordance with a human rights-based approach. This means that data collection should be based on the principles of participation, informed consent (for example, the consulted communities and individuals should have full information about the purposes of the data collection) and self-identification (for example, individuals should be able to identify themselves as members of a minority or indigenous people, rather than the State's authorities determining such membership). Consultations with relevant stakeholders brought forward the suggestion that civil society organizations with relevant expertise could engage in data collection exercises at community level. This could not only contribute to reducing the cost of data collection but also empower communities to participate in informing development policies at the local level. States need to seek innovative approaches to bridge capacity gaps in data collection, including by encouraging communities themselves, with the engagement of civil society organizations and academic bodies, to perform data collection as a complement rather than a substitute to that done by the State, which retains the primary responsibility for such function. In this regard, civil society should work closely with national statistical institutes for capacity-building purposes. States could also adopt mixed approaches to data collection, in order to capitalize on existing resources. This could include the use of mass media and communication tools as resources and building networks of opinion leaders (e.g. traditional/religious leaders and women leaders), while ensuring the inclusion and active participation of disadvantaged groups, such as indigenous peoples, forest communities and nomadic communities, in compliance with human rights principles governing data protection and safeguards.

64. Another crucial question in leaving no one behind is to identify, acknowledge and address the root causes of inequality and discrimination. Only when we know why some groups or countries are left behind, can we develop appropriate polices and strategies. Understanding how various forms of discrimination intersect is key in this regard. States should support independent critical research, conduct comparative studies, resorting to both qualitative and quantitative methods. The collection of disaggregated data is crucial to realizing the right to development and national statistics agencies need to be properly equipped to collect it by developing capacity to use qualitative and quantitative human rights indicators when analysing inequalities. Furthermore, States should systematically and coherently assess their progress towards implementing Sustainable Development Goals 10 and 5 and other targets related to progressing towards equality in their voluntary national reviews.

B. Participatory processes

65. Furthermore, ensuring inclusive and participatory processes is of utmost importance from the perspective of the right to development. Once those who have been left behind are identified, efforts need to be geared toward systematically reaching and empowering them. Evaluating how this can best be accomplished is a critical first step in the effective implementation of the 2030 Agenda. The success of targeted policies and programmes will depend largely on the level of participation and consultation of the beneficiaries.

66. Since the right to development entitles all persons and peoples to participate in, contribute to and enjoy economic, social, cultural and political development, a key task is to ensure inclusiveness and meaningful participation of relevant stakeholders at all levels of decision-making. Enabling disadvantaged and marginalized individuals and groups to actively participate in decision-making processes is essential to overcome structural inequalities and discrimination; to ensure their place as key actors in the development of countries; and to ensure the equal sharing of benefits. States, as the ultimate bearers of responsibility for reducing inequalities, must ensure that participatory approaches, reaching all concerned segments of the society, are developed and adequately financed. The cost of civil society participation should be duly budgeted into development planning processes at both policy and programmatic levels. States should also work to increase the capacity of civil society to develop technical expertise and provide space for coordinated actions with Governments. States must also establish mechanisms for easy and effective access to up-to-date information related to development policies and processes, define reliable information schemes while designing development plans, and allocate adequate resources to that end.

67. Ensuring that no one is left behind requires a dedicated focus on the equal rights of women and on ensuring women's participation in decision-making. States must take action to provide genuine opportunities and strengthen capacity of women to actively and meaningfully participate in national planning, policy design, implementation and budgeting, which affect their livelihoods and wellbeing. Participation of women without discrimination of any kind in economic and political decision-making and policy formulation so as to advance gender equality and women's empowerment is indispensable for the effectiveness of all development processes.

C. Accountability mechanisms

68. While the right to development is only justiciable in the context of the African Charter on Human and Peoples' Rights, for participation to be genuine and effective, it should be accompanied by adequate accountability mechanisms. Effective legal mechanisms to defend equality can go a long way towards protecting and promoting the right to development as well. During the regional consultations, held by the Special Rapporteur, it was highlighted that effective access to information is an important prerequisite in this respect. To this end, detailed information/consultation schemes should be integrated in all development policies and activities at the international and domestic levels. Such schemes should ensure that affected individuals and communities understand how they can claim their rights when the latter have been violated in the context of development processes. National accountability mechanisms, such as anti-discrimination complaints mechanisms, should have the capacity to process and provide effective remedies for violations. Existing mechanisms must be made more visible and accessible, including to persons speaking minority languages and persons with disabilities. National human rights institutions can also play a role in ensuring equal participation in economic, social, cultural and political development by, for example, taking up social and economic rights issues and discrimination complaints.